IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR. JUSTICE P.S.NARAYANA

WRIT PETITION NO : 14498 of 2004

Between:

1. The Commissioner & Director of Municipal Administration A.P.,

Hyderabad.
2. The Commissioner, Bhongir Municipality, Nalgonda District.

..... PETITIONERS.

AND

1. J. Satyanarayana, S/o. Papaiah, aged 37 years, Working on daily wages

basis under the Commissioner, Bhongir Municipality, Nalgonda District.
2. Y. Yellamma, W/o. Rajaiah, Working on daily wages basis under the

Commissioner, Bhongir Municipality, Nalgonda District.
3. G. Shankaraiah, S/o. Yadagir, Working on daily wages basis under the

Commissioner, Bhongir Municipality, Nalgonda District.
4 V. Jannaiah, S/o. Jammulaiah, Working on daily wages basis under the

Commissioner, Bhongir, Municipality, Nalgonda District.
5 P. Kistaiah, S/o. Narasiah, Working on daily wages basis under the

Commissioner, Bhongir, Municipality, Nalgonda District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to the order passed by the Andhra Pradesh Administrative Tribunal dated 17-9-2002 in O.A.No. 8455/2002 and to quash the same which is illegal and against law.

Counsel for the Petitioners: GP FOR FINANCE & PLANNING

Counsel for the Respondents : MR.P.RAGHAVENDRA REDDY FOR RR-1 TO 5

The Court made the following :

ORDER: (Per Honourable Sri G.Bikshapathy)_

1. The writ Petition is filed challenging the order passed by the Andhra Pradesh Administrative Tribunal in O.A. No: 8455 of 2002 , dated 17-9-2002.

2. The only contention raised by the learned Government Pleader is that the respondents were engaged as N.M.Rs. and they are not entitled for the increments in as much as their services are not regularized and they are being continued to be on NMR basis. Therefore, the order of the Tribunal is liable to be set aside.

3. The learned counsel for the respondents submit that barring Bhongir Municipality, the Director of Municipality issued directions to release the increments even to the MNR employees also working in all other Municipalities. He places some orders issued by him, before this Court.

4. We are not inclined to go into the merits of the case. However, it is suffice to say that one more opportunity should be given to the respondents to make appropriate submission before the Tribunal.

5. Under these circumstances, the order of the Tribunal is set aside. The matter is remitted back to the Tribunal for fresh consideration. The Tribunal shall hear the parties concerned and pass appropriate orders within two months from the date of receipt of a copy of this order.

6. It is also brought to the notice of this Court that the Commissioner, Bhongir Municipality has already issued proceedings dated 30-8-2000 releasing the increments. It is made clear that the implementation of the orders passed by the Commissioner, Bhongir Municipality on 30-8-2000 shall be subject to the result of the O.A, before the Tribunal.

7. With the direction indicated above, the W.P. is disposed of. No costs.

_____

G.BIKSHAPATHI,J

_____

P.S.NARAYANA,J

23rd November, 2004

To

1. The Commissioner & Director of Municipal Administration A.P., Hyderabad.
2. The Commissioner, Bhongir Municipality, Nalgonda District.
3. The Registrar, A.P. Administrative Tribunal, Hyderabad.
4. Two CCs. to the Government Pleader for Finance & Planning, High Court Buildings, A.P.Hyderabad.
5. Two CDs.

THE HON'BLE MR. JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR. JUSTICE P.S.NARAYANA

-

-

-

-

-

-

-

-

WRIT PETITION NO : 14498 of 2004

Dated 23rd November, 2004